

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICK JEANTY,

Petitioner,

vs

9:00-CV-1752

MICHAEL McGINNIS,

Respondent.

APPEARANCES:

OF COUNSEL:

PATRICK JEANTY
Petitioner, Pro Se
98-A-1874
Elmira Correctional Facility
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Elmira, NY 14902-0500

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STEVEN H. SCHWARTZ, ESQ.
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DAVID N. HURD
United States District Judge

DECISION and ORDER

Petitioner, Patrick Jeanty, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated November 14, 2005, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied and dismissed. Petitioner filed timely objections, as well as a Supplemental Objection.

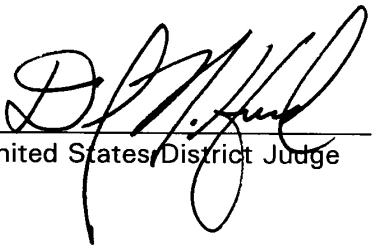
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: January 25, 2006
Utica, New York.


United States District Judge